

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MINUTES OF PROCEEDINGS:

HONORABLE JOSE A. FUSTE, U.S. DISTRICT JUDGE

Date: October 25, 2012

COURTROOM DEPUTY: Diana Villavicencio

Crim. 3:09-cr-427 (JAF)

COURT REPORTER: Amy Walker

USA

Attorneys:

Julia Diaz-Rex
Ilianys Rivera-Miranda
Bruce R. Hegyi

v.

Alexis Candelario-Santana (1)

Francisco Rebollo-Casalduc
David Arthur Ruhnke
Miguel Oppenheimer
Rafael Anglada-Lopez
Jose R. Aguayo
Steven Potolsky

Carmelo Rondon-Feliciano (2)
Wilfredo Candelario-Santana (4)
David Oquendo-Rivas (5)

CASE CALLED FOR STATUS CONFERENCE.

The Court received a CD from Atty. Ruhnke that contains 197 verdict forms. Parties were instructed to stipulate a Verdict Form for the capital defendant.

Questionnaire:

The Court reviewed the questionnaires submitted by defense counsel, the government and the ones used in recent capital cases in our district. Parties shall meet and submit a joint questionnaire.

Voir-dire

The voir-dire will be conducted by the Court and attorneys for the capital defendant. The attorneys for the non-capital defendants will not participate.

Jurors to be excused

450 jurors will be summoned during the second week of January 2013 to fill out the questionnaires. Questionnaires filled by prospective jurors will be provided daily to all parties. The deadline to submit the list of jurors to be excused is **January 23, 2012**.

Anonymous Jury

The Court reviewed defendant's position regarding this issue and is willing to consider it, if there's a commitment that the info will not be share. The government will be filing their position, and will include affidavits from the agents. Arguments heard by the parties. Matter taken under advisement.

Disclosure of FBI 302's

Defense attorneys informed that they haven't received the 302's as ordered by the Court. The government indicated that there was a misunderstanding and the 302's will be produced tomorrow.

Third Superseding Indictment

Government stated that a Third Superseding Indictment was filed to: 1) increase the crack amount, 2) take out Defendant David Oquendo-Rivas from the Special Findings and, 3) add the unborn child murder. Arguments heard by all parties.

Docket #564 Motion to Dismiss and #597 Government's Response

Attorney Ruhnke requested permission to file a reply. Granted. Defense counsel stated that an Atkins hearing should be held before trial since there's some evidence re defendant's mental health. Government requested the experts' reports and info re the tests that were done. Atty. Ruhnke opposed. Arguments heard by all parties. **Reply due by 10/30/2012 before 4:00 pm. Sur-reply due by 11/1/2012.**

Defendant #2 – Carmelo Rondon-Feliciano

Defense counsel informed that they are close to reach an agreement. A motion will be filed by Tuesday informing defendant's decision.

s/ Diana Villavicencio

Diana Villavicencio
Courtroom Deputy Clerk